

# UNITED STATES DISTRICT COURT

District of Delaware

MICHAEL FEHRENBACHER, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

SUMMONS IN A CIVIL CASE

V.

XYBERNAUT CORPORATION, EDWARD  
G. NEWMAN, STEVEN A. NEWMAN,  
M.D., AND THOMAS D. DAVIS

CASE NUMBER:

73-256

Defendants.

TO: (Name and address of Defendant)

Thomas D. Davis c/o  
Prentice-Hall Corporation System, Inc.  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Robert R. Davis, Esquire  
Chimicles & Tikellis LLP  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALEO

CLERK

5-2-05

DATE

(By) DEPUTY CLERK

*John Polito*

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <b>May 6, 2005</b>
NAME OF SERVER (PRINT) <b>Danny P. Randolph, Jr.</b>	TITLE <b>Process Server</b>

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: \_\_\_\_\_

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: \_\_\_\_\_

☐ Returned unexecuted: \_\_\_\_\_

☒ Other (specify): **I personally served Thomas D. Davis by serving the registered agent of Xybernaut Corporation: Prentice-Hall Corporation System, Inc. at 2711 Centerville Road, Wilmington, DE 19808 at 12:15 p.m. The individual accepting service was Mary Drummond.**

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 5/6/05  
Date

Danny P. Randolph Jr  
Signature of Server

Chimicles + TIKELLIS LLP  
ONE Rodney SQUARE WILMINGTON DE 19899  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.